

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES EDWARD CLAYTON,

Plaintiff,

v.

CHERYL STRANGE, et al.,

Defendants.

CASE NO. 3:22-cv-06015-JNW-BAT

**ORDER STRIKING PLAINTIFF'S
DISCOVERY MOTION AS
PREMATURE**

Plaintiff has filed a "Motion for Order that Facts of Authentication and Genuineness of Prison Medical Records and Declaration of Mary Russell Be Taken as True and Authentic." Dkt. 43. In the motion, plaintiff seeks to have certain discovery responses and records be declared authentic so that he may then have defendant Mary Russell dismissed from this action. Dkt. 43, at 2. Defendant Ms. Russell has not responded to this motion. The other defendants take no position on the request but note that plaintiff's motion appears to be premature given discovery is ongoing, nothing is being entered as evidence, and there appear to be no disputes over the material he seeks to have authenticated. Dkt. 47.

The Court **STRIKES** plaintiff's motion, Dkt. 43, as prematurely filed with leave to renew, if necessary, at a later date. The Court notes that plaintiff appears to assert that summary judgment in favor of defendant Ms. Russell is warranted based on his review of the discovery

1 materials. If this is so, plaintiff and Ms. Russell may stipulate that summary judgment is
2 warranted and the case against her be dismissed as a matter of law. Alternatively, if and when the
3 parties move for summary judgment, plaintiff may choose to admit that summary judgment
4 should be granted in favor of defendant Ms. Russell.

5 DATED this 26th day of January, 2024.

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8 BRIAN A. TSUCHIDA
9 United States Magistrate Judge
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